

REMAKRS

Amendment to claim 29 is to remove some limitations. Amendment to claim 30 is to bring this claim into conformity with the language of its base claim. No new matter has been added.

I. Claim rejections based on Leisten and Charisius.

Claims 1-22, 32-39, 46-50, 52, 54, 57, 59, and 60 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Leisten in view of Charisius.

As an initial matter, Applicant notes that the Office Action has not provided any explanation and basis for the rejections of independent claims 1, 32, 36, and 46, and their respective dependent claims, based on Leisten and Charisius. Thus, Applicant submits that the § 103 rejection for these claims based on Leisten and Charisius has not been established, and requests that the rejection be withdrawn.

Claim 50 recites that said entity model comprises information regarding a *work efficiency* of said entity/person (Emphasis Added). Applicant agrees with the Examiner that Leisten does not seem to fairly state such limitations. Applicant further notes that Leisten does not disclose or suggest such limitations. Rather, Leisten discloses “professional skills” (column 19, line 51 to column 20, line 4). Notably, “skill” is not the same as “work efficiency.” This is because “skill” measures knowledge and ability, while “work efficiency” measures an efficiency to perform a given task. Thus, the “professional skills” in Leisten cannot be considered to be the claimed “work efficiency.”

Charisius also does not disclose or suggest the above limitations. According to page 5 of the Office Action, column 28, line 64 to column 29, line 16 of Charisius allegedly disclose “skill identifiers, or a skill strength” which is considered to be the claimed “work efficiency.” However,

“skill” is not the same as “work efficiency” because they represent different things. This is further evidenced from column 29, lines 5-6 of Charisius, where it is stated that examples of “skill identifier” include Java programming, architecture, or carpentry. Thus, within the context of Charisius, “skill identifier” refers to the knowledge that is required for completing a task, and is not work efficiency. In addition, Applicant notes that the claims recite work efficiency *of said entity/person* (Emphasis Added). Notably, the “skill identifier” in Charisius is described as a requirement for completing a task (column 28, line 64 to column 29, line 16), and does not refer an entity or person’s work efficiency.

Since both Leisten and Charisius do not disclose or suggest the above limitations, any combination of them, and their combined teaching, cannot result in the subject matter of the claims. Note that a prima facie case of a § 103 rejection cannot be established if cited references all fail to disclose a single element in the claim. For at least the foregoing reasons, claim 50 and its dependent claims, are believed allowable over Leisten, Charisius, and their combination. Applicant notes that the above arguments were not considered and addressed by the Examiner, and respectfully requests that they be considered.

In addition, Applicant notes that claim 50 describes that information regarding the work efficiency *be a part of an entity model or entity template* (Emphasis Added). Leisten and Charisius do not disclose or suggest that information regarding work efficiency of an entity/person be a part of an entity model/template. Applicant notes that in order to sustain a § 103 rejection, the cited references must disclose the elements in the same arrangement or relationship as that described in the claim. For this additional reason, claim 50 and its dependent claims, are believed allowable over Leisten, Charisius, and their combination. Applicant notes that these arguments were also not considered and addressed by the Examiner, and respectfully requests that they be considered.

II. Claim rejections based on Charisius and Johnson.

Claims 29-31 and 62 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Charisius, and further in view of U.S. Publication No. 20040138935 (Johnson).

Claim 29 recites obtaining *a result of a performance of said task of a business process*, and comparing said result with *a result of a previously performed task* for a *previously created business process* (Emphasis Added). Applicant agrees with the Examiner that Charisius does not state “a result of a previously performed task.” Applicant further notes that Charisius does not implicitly state the above limitations. This is because, Charisius discloses comparing “skill” of the resource-most-often-assigned (MG) to skills in role profiles (column 44, lines 15-25). Notably, a skill is what is required to perform a task, and therefore, it is not a result of a performance of a task. This is further evidenced from column 29, lines 5-6 of Charisius, where it is stated that examples of skill identifier include Java programming, architecture, or carpentry. Thus, within the context of Charisius, a skill refers to the knowledge that is required for completing a task, and is not a result of a performance of a task.

Also, Applicant notes that claim 29 describes comparing results of two performed tasks (“said task,” and “a previously performed task”). Charisius does not disclose or suggest such limitations. As similarly discussed, Charisius describes comparing skill of MG to skills in role profiles, neither of which is a result of a performed task.

According to page 9 of the Office Action, paragraph 122 of Johnson allegedly discloses the above limitations. However, paragraph 122 of Johnson actually describes a technique 600 for testing “input assumption” (see paragraph 119 and figure 6 of Johnson). The technique involves selecting input assumptions (see step 610 and paragraph 121), and generating “a prediction” model based on

the input assumptions (see step 612 and paragraph 121). The prediction model is then analyzed (steps 614, 616), and a result of the prediction model analysis is compared with a previous result to see if a criteria is met (paragraph 122). If not, the technique 600 then loops back, and obtains another set of input assumptions (figure 6). Thus, Johnson actually describes comparing a current result from the prediction model analysis with a previous result from analyzing a previous prediction model. Notably, the prediction model of Johnson predicts what *will happen* based on a set of given assumptions. Therefore, the prediction model itself is not a business process, and certainly is not a business process that has been *performed*. As such, a result of the prediction model analysis in Johnson cannot be considered to be the claimed result of a *performance* of a task of a business process.

Since Charisius and Johnson both fail to disclose or suggest the above limitations, any purported combination of these two references cannot result in the subject matter of claim 29. For at least the foregoing reasons, Applicant submits that the prima facie case of the § 103 rejection based on Charisius and Johnson has not been established, and respectfully requests that the rejection be withdrawn.

Claim 29 also recites automatically determining an optimized *business process* based at least on said comparing (Emphasis Added). Charisius also does not disclose or suggest such limitation. According to page 8 of the Office Action, column 44, lines 15-25 of Charisius allegedly disclose identifying an optimal role. However, Applicant respectfully notes that a “role” is not a “business process.” Thus, a disclosure of identifying an optimal role does not disclose or suggest determining an optimized business process. Applicant notes that the above arguments were not considered and addressed by the Examiner, and respectfully requests that they be considered.

Johnson also does not disclose or suggest the above limitations, and is not being relied upon for the disclosure of the above limitations. Since Charisius and John both fail to disclose or suggest the above limitations, any purported combination of these two references cannot result in the subject matter of claim 29. For these additional reasons, Applicant submits that the *prima facie* case of the § 103 rejection based on Charisius and Johnson has not been established, and respectfully requests that the rejection be withdrawn.

III. Claim rejections based on Leisten and Johnson.

Claims 1-22, 32-39, 46-49, and 53-61 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Leisten in view of Johnson.

Claims 1, 32, 36, and 46

Claims 1, 36, and 46 recite that said entity model comprises information regarding a *work efficiency* of said entity/person (Emphasis Added). Claim 32 recites that said entity template comprises information regarding a *work efficiency* of said entity (Emphasis Added). Applicant agrees with the Examiner that Leisten does not seem to fairly state such limitations. Also, as discussed, Leisten does not inherently disclose such limitations.

According to page 15 of the Office Action, paragraph 122 of Johnson allegedly discloses the above limitations. However, Applicant respectfully notes that there is nothing in the paragraph 122 of Johnson that remotely discusses a work efficiency of an entity/person, nor is there anything in the paragraph 122 that describes an entity model / template that includes information regarding the work efficiency of the entity/person.

Since both Leisten and Johnson fail to disclose or suggest the above limitations, any purported combination of these references cannot result in the subject matter of claims 1, 32, 36, and

46. For at least the foregoing reasons, Applicant submits that the prima facie case of the § 103 rejection based on Leisten and Johnson has not been established, and requests that the rejection be withdrawn.

Claims 53 and 58

Claim 53 recites *proposing a change using a processor* in said business process based on information regarding a result of an activity performed by said entity, *thereby allowing a user to accept the change* (Emphasis Added). Claim 58 recites similar limitations. Applicant agrees with the Examiner that Leisten does not clearly state the above limitations. However, Applicant also notes that Leisten does not implicitly teach such limitations. Rather, the cited passage (column 5, lines 1-11) of Leisten discloses that a work process object is dynamically changing, and does not disclose or suggest that a change is *proposed*. Also, Applicant notes that the act of changing a work process is not the same as proposing a change. This is because making a change directly does not allow a user an opportunity to accept the change. On the other hand, proposing a change allows a user an opportunity to accept the change. Applicant notes that the above arguments were not considered and addressed by the Examiner, and respectfully requests that they be considered.

According to page 26 of the Office Action, paragraph 7 of Johnson allegedly discloses proposing a change using a processor, thereby allowing a user to accept the change. However, the cited passage of Johnson actually describes generating a “probabilistic output result” using a system, and presenting such result to a user. The user then sends a command to prompt a business process to make a change. Thus, in Johnson, the system itself does not propose a change to a business process. Rather, the system of Johnson outputs a probabilistic output result to the user, and it is the user who proposes a change to a business process. Therefore, Johnson clearly does not disclose or suggest the above limitations, and in fact teaches the opposite of the above limitations.

Since both Leisten and Johnson fail to disclose or suggest the above limitations, any purported combination of these references cannot result in the subject matter of claims 53 and 58. For at least the foregoing reasons, Applicant submits that the prima facie case of the § 103 rejection based on Leisten and Johnson has not been established, and requests that the rejection be withdrawn.

CONCLUSION

Based on the foregoing, all claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **LS001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **LS001**.

Respectfully submitted,

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